

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 30, 1998

DIVISION ONE

B116178 People (Not for Publication)

V.

Anthony Clarke

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.

Dunn, J. (Assigned)

B112729 People (Not for Publication)

V.

Christopher Peterson

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B118812 People (Not for Publication)

v.

Earl J.

The order continuing wardship is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.

Vogel (Miriam A.), J.

September 30, 1998-Continued

DIVISION ONE (Continued)

B118701 People (Not for Publication)

V.

Richard L. Holloway

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.

Masterson, J.

B121959 People (Not for Publication)

V.

Joe C.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

B113675 People (Not for Publication)

V.

Anthony Charles Hodge

The judgment is affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.

Dunn, J. (Assigned)

September 30, 1998-Continued

DIVISION ONE (Continued)

B118380 Trudy B. Johnson (Not for Publication)

v.
California United Terminals

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

B116026 Esther M. Morgan (Not for Publication)

v.
Dale Joseph Dreyer

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Ortega, J.

B106271 Gordon, et al. (Not for Publication)

v.
Ford Motor Company

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Dunn, J. (Assigned)

September 30, 1998-Continued

DIVISION TWO

B123038 L.A. County Dept. of
Children & Family Services (Not for Publication)
v.
Superior Court, Los Angeles County
(Debra R., r.p.i.)

Let a writ of mandate issue directing the trial court to vacated its order of June 15, 1998, granting real party Debra R's motion to dismiss, and issue a new and different order setting for rehearing the adjudication and dispositional proceedings.

Boren, P.J.

We concur: Fukuto, J.
 Nott, J.

DIVISION THREE

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Kitching, Acting P.J.
 Goodman, J. (Assigned)

DIVISION THREE (Continued)

B103963 Mikhail Sedler (Certified for Partial Publication)
v.
Board of Dental Examiners

The Board's petition for writ of mandamus is denied. The trial court's April 22, 1996, order of remand is affirmed. Each side to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B097280 Victoria Johnston, et al. (Not for Publication)
v.
American Honda Motor Company, et al.
Marina Rodriguez

The trial court's order granting Honda a new trial is reversed and the judgment entered upon the jury's verdict is reinstated and affirmed. The order denying the JNOV motion is affirmed. The Johnston heirs shall recover their costs on appeal.

Croskey, Acting P.J.

I concur: Goodman, J. (Assigned)
I dissent: Kitching, J.(Opinion)

B113027 Vincent Oliver (Certified for Publication)
v.
County of Los Angeles
Helix Information Services, Inc. et al.

The judgment from which plaintiff and intervenors have appealed is affirmed. Costs on appeal to the County.

Croskey, J.

We concur: Klein, P.J.
Goodman, J. (Assigned)

September 30, 1998-Continued

DIVISION THREE (Continued)

B109306 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Goodman, J. (Assigned)

B101006 People (Not for Publication)
v.
Bowie

The judgment is affirmed, except that appellant's sentence is vacated and the matter is remanded to allow the sentencing court to consider exercising its discretion as to whether to strike, pursuant to Penal Code section 1385, the finding that appellant suffered a prior felony conviction pursuant to the Three Strikes law. The trial court is directed to prepare an amended abstract of judgment consistent with this opinion and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Croskey, Acting P.J.

We concur: Aldrich, J.
Goodman, J. (Assigned)

DIVISION FOUR

B113131 Diamond, et al.

(Not for Publication)

v.
Hoffman

The orders granting judgment notwithstanding the verdict and new trial are reversed. The trial court is instructed to reinstate the jury's verdict and enter judgment in favor of appellant.

Cooper (F.M.), J. (Assigned)

We concur: Vogel (C.S.), P.J.
Epstein, J.

B115801 Watson

(Not for Publication)

V.
County of Los Angeles

The orders granting summary adjudication and denying plaintiff's motion to amend the complaint are affirmed. The order awarding attorney's fees to the defendant is reversed. Each side to bear its own costs.

Cooper (F.M.), J. (Assigned)

We concur: Vogel (C.S.), P.J.
Hastings, J.

B112708 Moss

(Not for Publication)

V.
Garrity

The order appeal from, as modified nunc pro tunc to include an order of dismissal is affirmed. Costs on appeal are awarded to respondents.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Cooper (F.M.), J. (Assigned)

September 30, 1998-Continued

DIVISION FOUR (Continued)

B111742 Sasson, et al. (Not for Publication)

V.

Cypress Insurance Company

The judgment is reversed insofar as the jury was precluded from considering punitive damages, and the cause is remanded for a new trial limited to punitive damages. Costs on appeal are awarded to plaintiffs.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B109568 Freeman (Not for Publication)

V.

Freeman

The appeal is dismissed. Costs on appeal are awarded to respondent.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Cooper (F.M.), J. (Assigned)

B106674 People (Not for Publication)

V.

Galaviz et al.

As to both defendants the judgments of conviction of carjacking, Penal Code section 215, on counts 4 and 5 are reversed. In all other respects, the judgments are affirmed. The trial court is directed to send corrected abstracts of judgment to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Cooper (F.M.), J. (Assigned)

September 30, 1998-Continued

DIVISION FOUR (Continued)

[illegible]

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Curry, J.

B120834 Los Angeles County, D.C.S. (Not for Publication)
v.
Gina V.

The order is affirmed.

Cooper (F.M.), J. (Assigned)

We concur: Epstein, Acting P.J.
Hastings, J.

B117018 People v. Malufau (Not for Publication)
B121562 In re Malufau on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Cooper (F.M.), J. (Assigned)

We concur: Vogel (C.S.), P.J.
Epstein, J.

September 30, 1998-Continued

DIVISION FOUR (Continued)

B115472 People (Not for Publication)
v.
Watson

The judgment is affirmed.

Cooper (F.M.), J. (Assigned)

We concur: Vogel (C.S.), P.J.
Epstein, J.

B109221 People (Not for Publication)
v.
Goldstein

The judgment of conviction is affirmed.

Cooper (F.M.), J. (Assigned)

We concur: Epstein, Acting P.J.
Hastings, J.

B122829 Fairley (Certified for Publication)
v.
The Superior Court of Los Angeles County
City of Long Beach, et al.

The alternative writ is discharged. Let a peremptory writ of mandate issue compelling respondent court to set aside its order of May 22, 1998, denying Fairley's petition for writ of mandate and to reconsider the petition in conformity with the views expressed here. Petitioner to recover costs.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Cooper (F.M.), J. (Assigned)

September 30, 1998-Continued

DIVISION FIVE

B119518 People (Not for Publication)

v.

Jose Luis Herrera, et al.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B118518 People (Not for Publication)

v.

Willie Cooper

The judgment is modified to: (1) stay, pursuant to Penal Code section 654, defendant's sentence on count 2, receiving stolen property, such stay to become permanent upon completion of defendant's sentence on count 1; and (2) reflect a \$200 restitution fine pursuant to Penal Code section 1202.45. The abstract of judgment is modified to reflect a \$200 restitution fine pursuant to Penal Code section 1202.4 and a \$200 restitution fine pursuant to Penal Code section 1202.45, as well as the sentence modification under Penal Code section 654. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

B111382 People

 \mathbf{v}_i

Vincent Young

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

September 30, 1998-Continued

DIVISION SIX

B119906 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Coffee, J.

DIVISION SEVEN

B110764 Monzello
v.
Brandt

Filed order denying petition for rehearing.

[illegible]

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

September 30, 1998-Continued

DIVISION SEVEN (Continued)

B120066 Los Angeles County, D.C.S. (Not for Publication)

v.

Belia G.

In re Janet C, a Minor

The appeal is dismissed.

Johnson, Acting P.J.

We concur: Woods, J.

Neal, J.

B114434 Bank of America

v.

Hodge

Filed order denying petition for rehearing.